

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	
a/k/a "Shaqil,"	)	
a/k/a "Abu Khalid	)	
al Sahrawi,"	)	
	)	
Defendant.	)	

ORDER

Defendant, pro se has filed a motion entitled Anti FBI Cover Up Motion to Have Free Access to My Testimony and Bro. Freeman (Docket #288), in which he asks the Court to order that any grand jury session in which he may testify be open to the public. He indicates that, unless the grand jury proceedings are open to the public and he can have Charles Freeman provide legal assistance, he will not appear. Defendant has also filed a Motion to Have the Grand Jury Testimony of Zacarias Moussaoui on July 16, 2002 Open to the People of America and the World (Docket #305), which repeats the same request for a public grand jury proceeding.<sup>1</sup>

These motions demonstrate the defendant's profound misunderstanding of the federal legal system. Grand jury proceedings are secret. See United States v. Calandra, 414 U.S. 338, 343 (1974)(a grand jury conducts investigations in secret);

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<sup>1</sup> Defendant also raises numerous other issues in Docket # 305, all of which have been resolved in our Order of July 11, 2002 (Docket #309).

Douglas Oil Co. of California v. Petrol Stops Etc., 411 U.S. 211, 219 (1979) (grand jury secrecy encourages frankness from witnesses, insures that those under investigation do not learn of the investigation prematurely and assures that those under investigation who are not indicted, do not face public humiliation). These principles of secrecy are enforced in the rules governing grand jury proceedings. For example, under Fed. R. Crim. P. 6(b)(1), the only persons who may be in the grand jury room when a witness is testifying are the grand jurors; the witness; an interpreter, if needed; attorneys for the government; and a stenographer. Under Fed. R. Crim. P. 6(e), a knowing violation of grand jury secrecy provisions may be punished as contempt.

Because defendant's request to testify publicly before the grand jury would violate Fed. R. Crim. P. 6(b)(1), and we have already denied his request concerning Charles Freeman (see Docket # 310), the motions docketed as #s 288 and 305 are DENIED.

The Clerk is directed to forward copies of this Order to the defendant, pro se; counsel for the United States; standby defense counsel; the Court Security Officer; and the United States Marshal.

Entered this 11th day of July, 2002.

/s/

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Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia